

Message

From: Jim Bauer [Jim.Bauer@freightlinernw.com]
Sent: 3/1/2018 3:27:22 PM
To: Healy, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1638b0a30364c7d98ea7af410a9cb2a-Healy, Stephen]
Subject: RE: EPA Small Business Glider Builder Information

Stephen,

The letter I was discussing with you will be submitted by Hagerman Inc. They have assembled gliders for us for years. If possible, please expedite the stamp required so that I can forward this to Freightliner.

Thank you so very much for your help yesterday. It was nice to speak to the right person that KNOWS what is required.

Have a great day,

Jim Bauer

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From: Healy, Stephen [mailto:healy.stephen@epa.gov]
Sent: Wednesday, February 28, 2018 8:22 AM
To: Jim Bauer <Jim.Bauer@freightlinernw.com>
Subject: EPA Small Business Glider Builder Information

EPA regulations allow small businesses to build gliders using older (pre-2010) engines under certain conditions and restrictions. First, the company must qualify as a small business according to the applicable regulations and they must have built gliders in the time period of 2010 through 2014 and sold at least one to another company or person in 2014. You would be limited in the number of gliders you can build per year to the maximum number you built in any single year 2010 through 2014. The regulations (40 CFR 1037.150(c)) require a small business to notify EPA that they intend to utilize the small business provisions. We ask small businesses to send us a letter of notification annually that includes a number of bits of information justifying that they qualify for the small business allowances. A short letter that contains the following information is all that is needed:

- A statement that your company meets the small business criteria listed in 40 CFR 1037.150 (c) and the small business criteria specified in 13 CFR 121.201. (Assuming this is true.) Currently the size threshold for Heavy Duty Truck Manufacturers is 1500 employees – this is what is listed for NAICS Code 336120. The total number of employees includes that of the company and its affiliates (see 13 CFR 121 link below).

- A statement that your company is solely owned by (owner's name) and if there are multiple owners state each owner and the percentage ownership for each. Also describe any affiliations with other companies or state that there are no affiliations – assuming that is true.
- State the number of employees for each of the past 3 years.
- State the number of gliders that your company has built each year 2010 through 2014.
- Signed by the owner(s) or company official.

You should scan the signed letter and send the PDF file to me. I will then review it, stamp it and return it to you. You can use the wording I used above (just substitute in the actual company name) if that helps. You can then show the EPA reviewed letter to the truck manufacturer as proof you have notified the EPA.

For your reference here are a number links to regulations that are applicable:

40 CFR 1037.150 Interim Provisions – this covers the small business exclusion requirements (1037.150(c)) and the new interim glider requirements (1037.150(t)):

http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7b7047abdd965bd6a1b219b7b036fad9&mc=true&n=pt40.36.1037&r=PART&ty=HTML#se40.36.1037_1150

40 CFR 1037.635 – Glider kits and glider vehicles:

http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7b7047abdd965bd6a1b219b7b036fad9&mc=true&n=pt40.36.1037&r=PART&ty=HTML#se40.36.1037_1635

13 CFR Part 121

Small business general provisions: describes how to determine affiliations and determine employee count:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=266ad73e48d34146461d5b3cc2a0d1ab&mc=true&node=sg13.1.121.a.sg0&rgn=div7>

Size standards for small business:

http://www.ecfr.gov/cgi-bin/text-idx?SID=266ad73e48d34146461d5b3cc2a0d1ab&mc=true&node=se13.1.121_1201&rgn=div8

Please give me a call if you have further questions.

Thank you,

Stephen Healy
Mechanical Engineer
EPA OTAQ Compliance Division
Diesel Engine Compliance Center
734--214-4121